REMARKS

Status of the Application

Claims 28, 29 and 64-66 are all the claims pending in the application. Claims 28 and 64-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the patent issued to Wreede et al. (Patent No. 5,499,118) in view of the patents issued to Dausmann et al. (Patent No. 5,825,514), Moss et al. (Patent No. 5,016,953) and Weber (Patent No. 3,647,289). Claims 29 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the patent issued to Wreede et al. (Patent No. 5,499,118) in view of the patents issued to Moss et al. (Patent No. 5,016,953) and Weber (Patent No. 3,647,289).

By this Amendment, Applicants are amending claims 28 and 29.

Claim Rejections under 35 U.S.C. § 103(a)

A. Claims 28 and 64-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the patent issued to Wreede et al. (Patent No. 5,499,118) in view of the patents issued to Dausmann et al. (Patent No. 5,825,514), Moss et al. (Patent No. 5,016,953) and Weber (Patent No. 3,647,289).

Claim 28 recites, in part, "replacing said first reflection type relief hologram with a second reflection type relief hologram and striking reconstructing illumination light of the given wavelength on said second reflection type relief hologram..."

The Examiner alleges that Wreede discloses "all of the limitations of the claims with the exception that it does not teach *explicitly* that the second reflection master hologram *replaces* the first mater (sp) hologram for recording the second hologram." See page 3 of the Office Action.

The Examiner further alleges that "utilizing the step of 'replacing' to record the first and second hologram one after the other or the step of having both master holograms present and recording the holograms simultaneously would achieve the same result, namely having both the first and second holograms recorded in the medium, and *in a sense the second master hologram does 'replace' the first master hologram in reality when recording the second hologram,* such modification would therefore have been obvious to one skilled in the art for the benefit of recording them one at a time as desired in some specific applications to allow more control for the recording process." *Id.*.

Applicants would respectfully submit that the Examiner's position fails to establish a *prima facie* case of obviousness. *Prima facie* obviousness is a legal requirement and the burden is on the Examiner to demonstrate using only objective evidence or suggestion from the applied prior art, that one of ordinary skill would have been lead to the claimed invention as a whole without recourse to Appellant's disclosure. See: *In re Oetiker*, 977 F.2d 1443, 1447-48 (Fed.Cir.1992); *In re Fine* 837 F.2d 1071, 1074-75 (Fed.Cir.1988). Here, Wreede discloses a system for copying multiple holograms, wherein a first and second holograms are *simultaneously* copied in a hologram recording layer. See Wreede, col. 1, lines 55-57, and col. 2, lines 35-37. As conceded by the Examiner, Wreede fails to disclose replacing said first reflection type relief hologram with a second reflection type relief. In supporting the rejection, the Examiner has made a conclusory statement that is not based in a reference, and fails to provide any other objective evidence to support this position.

The Examiner's assertion that the steps listed in claim 28 achieve the same result as the disclosure in Wreede is irrelevant when establishing a *prima facie* case of obviousness. Claim

fact that a reference discloses the end result of the claimed method does not support establishing a *prima facie* case of obviousness. Here, the Examiner's main support for allegedly establishing a *prima facie* case of obviousness is grounded in that the claimed invention and Wreede arrive at the same result, and therefore, one skilled in the art for the benefit of recording them one at a time as desired in some specific applications to allow more control for the recording process. However, the Examiner again provides no objective support for the conclusory statement.

Further, amended claim 1 recites, "the resulting hologram comprises a set of pixels and interference gratings differing in grating surface spacing and inclination for each pixel which are recorded therein" and "the first reflection type relief hologram differs from the second reflection type relief hologram." The Examiner cites to Moss as teaching that a master hologram is used as a copying hologram. However, Moss fails to teach or suggest that the pixels of the created volume holograms differ from one another, since in Moss, all of the pixels in resulting holograms have *identical* pixels. The object in Moss is to create a computer generated hologram of a large size, and all copies thereof (including pixels) *are identical*. Amended claim 28, however, recites that the resulting hologram comprises a set of pixels and *differing* interference gratings for each pixel which are recorded therein. As such, the holograms will have *differing pixels*. Additionally, claim 28 recites that the first and second reflection type holograms *differ* from one another.

Therefore, because the Examiner has failed to provide objective evidence that all of the elements of amended claim 28 are disclosed in making the obviousness rejection, amended claim 28 is patentable over the applied art.

Claims 64 and 65 are patentable over the applied art at least by virtue of their dependency from claim 28.

B. Claims 29 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the patent issued to Wreede et al. (Patent No. 5,499,118) in view of the patents issued to Moss et al. (Patent No. 5,016,953) and Weber (Patent No. 3,647,289).

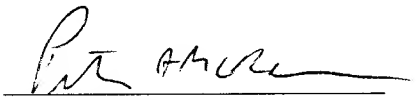
Amended claim 29 recites a similar limitation to that found in amended claim 28. Therefore, for reasons analogous to those presented with regard to amended claim 28, amended claim 29 is patentable over the applied art. Claim 66 is patentable over the applied art at least by virtue of its dependency from amended claim 29.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Peter A. McKenna
Registration No. 38,551

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 30, 2006